

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.3487 OF 1988

For Approval & Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the reporters or not ?
 3. Whether their lordships wish to see the fair copy of the judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
 5. Whether it is to be circulated to the Civil Judge?

DR. PRATIKSHA H RAVAL
VERSUS
GUJARAT UNIVERSITY

Appearance:

MR GIRISH PATEL FOR PETITIONER
MR SM MAZGAONKER FOR MR SN SHELAT FOR RESPONDENT

Coram: MR.JUSTICE S.K. Keshote,J
Date of decision: 30/11/2000

C.A.V. JUDGMENT

#. Heard the learned counsel for the parties.

#. The petitioner is praying for direction to the respondent to consider her case for assessment and for merit promotion to the post of Professor in the subject of Psychology.

#. One of the eligibility for merit promotion to the post of Professor was to have eight years' teaching experience (service) in the cadre. This eligibility has to be considered as on 31st March 1988. It is not in dispute that the petitioner was given appointment to the post of Reader under the letter dated 1st May, 1980 of the respondent-University which appointment has been accepted by her on 10th May, 1980. Because of some litigation against her appointment in this court, she could not join the post prior to 10th July, 1980. If her appointment is taken on the post of Reader in Psychology from 1st May, 1980, still she has no eight years' service as a Reader as on 31st March, 1988.

#. The learned counsel for the petitioner contended that this eight years' experience should have been taken with reference to the academic year, but I do not find any merits in this contention. If what it is contended is accepted then even notional teaching experience is to be taken as actual teaching experience which is against the basic principles of service jurisprudence. If we go by this scheme of merit promotion, eight years' teaching experience is necessary and as the petitioner was lacking that eight years' teaching experience she was not eligible and rightly she was not called for promotion. It is not in dispute that in the selection made in the year 1988 for merit promotion to the post of Professor in Psychology, no other candidate has also been selected. In later years, the petitioner has been given promotion and on this aspect also the learned counsel for the petitioner has no dispute.

#. Another contention raised that the date of eligibility has to be considered with reference to the academic year is also devoid of any substance. I do not find any irrationality in the cut off date fixed for determining the eligibility for merit and promotion to the post of Professor in Psychology.

#. As a result of aforesaid discussion, this petition fails and the same is dismissed. Rule discharged. Interim relief, if any, earlier granted stands vacated.

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(sunil)